

REMARKS

Claims 1-15 are pending in the present application. Claim 1 stands objected to for not positively reciting the phrase “an electrical conductor”. Claims 1-15 stand rejected under 35 USC §103. Applicants have currently amended claim 1 to more particularly point out applicants’ invention.

Objections to Claims:

Claim 1 has been objected to for failing to positively recite “an electrical conductor”. Claim 1 has been amended to include the phrase, “an electrical conductor on said first polyparaxylylene layer”.

Rejections under 35 USC §103:

Claims 1-14 stand rejected under 35 USC §103(a) over Berrang et al. (US Pat Application Publication 2003/0109903) which allegedly discloses a method of producing an implant comprising a top plate, a bottom plate and three fluoropolymer layers (10, 11 and 12) bonded to the each other and to the bottom plate.

Berrang et al. fails to expressly disclose said layers comprise polyparaxylylene but instead describes an embodiment wherein a protective coating (74) of parylene is used on the implant. But the use of parylene as a conformal coating for biomedical devices is well known in the art and Berrang’s disclosure does not provide sufficient motivation to one of ordinary skill to form a layer comprising parylene (or polyparaxylylene) in a flexible electrical circuit that is suitable for implantation. Applicants respectfully submit that the examiner’s rejection of independent claim 1 is based on a single reference, which as discussed, is insufficient to obviate claim1 and its dependent claims. The present invention describes a method of forming insulating layers comprising parylene whereas the layers in the implant disclosed by Berrang et al. comprise fluoropolymer. Since the use of parylene has hitherto been limited to only that of a bio compatible coating material for implants, and the same is disclosed by Berrang et al., it would not have been obvious to one of ordinary skill in the art to use parylene in an implantable

electrical circuit. Further Berrang et al. does not either inherently or expressly disclose the possibility of using parylene layer in a flexible electrical circuit suitable for implantation.

In light of the discussions above, Applicants respectfully submit Berrang et al. fails to teach the limitation of independent claim 1 as modified. Hence withdrawal of the rejection is kindly requested.

The discussions with regard to the independent claim 1, addresses the Examiner's rejections of Claims 2-15 under 103 as well.

Conclusion

In view of the above, reconsideration and allowance of all claims are respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, and the Examiner believes that a teleconference may be helpful, the Examiner is invited to call the undersigned attorney at (818) 833-5055 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is authorized to charge any additional fees, which may be required or credit overpayment to deposit account no. 50-0922. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-0922.

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted electronically to the United States Patent and Trademark Office on January 21, 2009.

/Rachel Evans/
Rachel Evans

Respectfully submitted,

/Scott Dunbar/

Scott B. Dunbar, Reg. No. 37,124
Attorney for Applicant
Second Sight Medical Products, Inc.
12744 San Fernando Road, Building 3
Phone: (818) 833-5055
Fax: (818) 833-5080
January 21, 2009